

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4597 of 2021**

Arising Out of PS. Case No.-447 Year-2020 Thana- BANKA District- Banka

1. HUMAYUN ANSARI @ HUMAYUN SON OF MOHAMMAD AHSAN ANSARI RESIDENT OF VILLAGE-DILGAURI P.S- SULTANGANJ DISTT- BHAGALPUR
2. SANJAY KUMAR V RAY SON OF BABULAL RAY RESIDENT OF VILLAGE -MAHADEOPUR P.S.- AMARPUR DISTT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar. Advocate

For the Opposite Party/s : Mr. Bajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 08-10-2021 This matter has been taken up for hearing online because of COVID – 19 pandemic restrictions.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Banka P.S. Case No. 447 of 2020 for the offence registered under Sections 379 and 411 of the Indian Penal Code as well as under Section 56 BMPIMTS Rule 2019,



under Section 21 MMDR Act 1957 and under Section 15 PE Act.

The prosecution case as per the First Information Report is that three trucks and one tractor have been seized which were alleged to have been engaged in illegal transportation of sands.

Learned counsel for the petitioners submits that petitioners are owners of the seized trucks. They were not aware of their trucks being used for illegal transportation of sands and for the act of driver of the trucks, they cannot be held responsible. It is further submitted that no offence has been made out under Section 379 and 411 of the Indian Penal Code as the offence relates to the special act where the provisions of Indian Penal Code are not applicable. Statement has been made in paragraph -3 of this petition that petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Banka in connection with Banka P.S. Case
447 of 2020, subject to the conditions as laid down under
Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

Jagdish/Shageer

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